

House File 580 - Introduced

HOUSE FILE _____
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 154)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act regulating electioneering communications for campaign
2 finance and disclosure purposes and making civil remedies
3 applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1968HV 82
6 jr/je/5

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1 1 Section 1. Section 68A.102, Code 2007, is amended by
1 2 adding the following new subsections:
1 3 NEW SUBSECTION. 13A. "Electioneering committee" means any
1 4 organization, other than a candidate's committee or a
1 5 political committee, that creates or disseminates an
1 6 electioneering communication, but does not include a
1 7 newspaper, radio, television, or other media organization,
1 8 including its owner or personnel, which disseminates an
1 9 electioneering communication as a paid advertisement.
1 10 NEW SUBSECTION. 13B. "Electioneering communication" means
1 11 any print, radio, televised, telephonic, or electronic
1 12 communication in any form or content, which is disseminated to
1 13 the general public or a segment thereof, that refers to a
1 14 clearly identified candidate for elected public office, if the
1 15 communication has the effect of encouraging or discouraging a
1 16 vote for the candidate, and is made within a period of thirty
1 17 days before a primary election or sixty days before a general
1 18 or special election for the public office sought by the
1 19 candidate.
1 20 Sec. 2. NEW SECTION. 68A.401A ELECTIONEERING
1 21 COMMUNICATIONS.
1 22 1. An electioneering committee shall file a statement of
1 23 organization with the board prior to making an electioneering
1 24 communication. The statement of organization shall comply
1 25 with the provisions of section 68A.201.
1 26 2. An electioneering committee shall file a report with
1 27 the board within forty-eight hours of making an electioneering
1 28 communication. Reports filed under this section shall be
1 29 filed using the board's electronic filing system. The report
1 30 shall include all of the following:
1 31 a. The name and mailing address of each person who gave a
1 32 contribution of money, in-kind contribution, or a loan to the
1 33 electioneering committee, for use in this state, if the
1 34 aggregate amount or fair-market value exceeds twenty-five
1 35 dollars in a calendar year. Loans received and loan
2 1 repayments shall be reported on a separate schedule.
2 2 b. The name and mailing address of each person to whom
2 3 disbursements or loan repayments have been made by the
2 4 electioneering committee in this state and the amount,
2 5 purpose, and date of each disbursement except that
2 6 disbursements of less than five dollars may be shown as
2 7 miscellaneous disbursements as long as the aggregate
2 8 miscellaneous disbursements to any one person during a
2 9 calendar year do not exceed one hundred dollars.
2 10 c. The amount and nature of debts and obligations owed by
2 11 the electioneering committee for electioneering communications
2 12 in this state.
2 13 3. This section shall not apply to any of the following:
2 14 a. A communication appearing in a news story, commentary,
2 15 or editorial distributed through a media organization, unless
2 16 such organization is owned or controlled by a political party,
2 17 political committee, or candidate.

2 18 b. A communication that constitutes a candidate debate or
2 19 forum conducted pursuant to rules adopted by the board, or
2 20 that solely promotes such a debate or forum and is made by or
2 21 on behalf of the person sponsoring the debate or forum.
2 22 c. A communication disseminated to fewer than one hundred
2 23 named individuals.
2 24 d. A communication contained in an individual's internet
2 25 website.
2 26 e. Activities by a political committee or a candidate's
2 27 committee organized under this chapter.
2 28 f. Express advocacy communications.
2 29 4. The board shall adopt rules as necessary to administer
2 30 this section and to implement any judicial ruling relating to
2 31 electioneering committees or communications.
2 32 5. The penalty set out in section 68A.701 does not apply
2 33 to a violation of this section.

2 34 EXPLANATION

2 35 This bill regulates electioneering communications, which
3 1 are defined as communications that: (1) refer to a clearly
3 2 identified candidate for elected public office; (2) have the
3 3 effect of encouraging or discouraging a vote for the
3 4 candidate; and (3) are made within 30 days before a primary
3 5 election or 60 days before a general or special election for
3 6 the public office sought by the candidate. The term does not
3 7 include a communication disseminated to fewer than 100
3 8 persons, a paid advertisement in a media organization, or
3 9 contained in an individual's internet website, commonly
3 10 referred to as a "blog".

3 11 The bill requires that any organization that disseminates
3 12 electioneering communications must file a statement of
3 13 organization with the ethics and campaign disclosure board
3 14 prior to making any electioneering communication. Disclosure
3 15 reports are required to be made and must include a variety of
3 16 information including the name and mailing address of each
3 17 person who gave a contribution or contributions of money,
3 18 in-kind contributions, or loans to the electioneering
3 19 committee if the aggregate amount or fair-market value exceeds
3 20 \$25 in a calendar year.

3 21 The criminal penalty normally associated with violations of
3 22 Code chapter 68A is made inapplicable to violations of the
3 23 bill. A variety of civil remedies for a violation are
3 24 available in Code section 68B.32D, ranging from a reprimand to
3 25 a civil penalty of not more than \$2,000.

3 26 LSB 1968HV 82

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